

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 24-23563-CV-WILLIAMS

LAZARO JIMENEZ,

Plaintiff,

v.

CRUZ & CRUZ, INC., *et al.*,

Defendants.

ORDER

THIS MATTER is before the Court on U.S. Magistrate Judge Jonathan Goodman's Report and Recommendation (DE 14) ("**Report**") on Defendants' Partial Motion to Dismiss Plaintiff's Complaint (DE 3) ("**Motion**"). In the Report, Magistrate Judge Goodman recommends that the Court grant Defendants' Motion both by default and on the merits, with leave for Plaintiff file an amended complaint. (DE 14 at 8.) Specifically, the Report finds that Plaintiff insufficiently alleged facts to support his claims regarding unpaid overtime against Defendant Cruz & Cruz, Inc. ("**Count I**") and Defendant Claribel Cruz ("**Count II**") and retaliation against both Defendants ("**Count III**"). (*Id.* at 5–8.) Additionally, the Report finds that Plaintiff's failure to respond to Defendants' Motion is sufficient grounds to grant the instant Motion by default. (*Id.* at 5.) No objections were filed to the Report, and the time to do so has passed.

Upon an independent review of the Report, the Motion, the record, and applicable law, it is **ORDERED AND ADJUDGED** as follows:

1. U.S. Magistrate Judge Jonathan Goodman's Report and Recommendation (DE 14) is **AFFIRMED AND ADOPTED**.
2. Defendants' Partial Motion to Dismiss Plaintiff's Complaint (DE 3) is **GRANTED**.
3. Plaintiff's Complaint (DE 1-2) is **DISMISSED** without prejudice.
4. On or before **October 30, 2024**, Plaintiff may file an amended complaint that remedies the defects identified in the Complaint. Any failure to timely file an amended complaint will result in the dismissal of this action without further notice.

DONE AND ORDERED in Chambers in Miami, Florida on this 23rd day of October, 2024.



KATHLEEN M. WILLIAMS
UNITED STATES DISTRICT JUDGE